

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TAMMY KNIPP,

Plaintiff,

v.

Case No. 8:10-cv-1223-T-33EAJ

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

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ORDER

This cause comes before the Court pursuant to the July 1, 2010, report and recommendation of Elizabeth A. Jenkins, United States Magistrate Judge (Doc. # 6), in which Judge Jenkins recommends that Plaintiff's request to proceed in forma pauperis (Doc. # 2) be denied and further recommends that this case be transferred to the Eastern District of Tennessee pursuant to 28 U.S.C. § 1404(a). Neither party filed an objection to the report and recommendation, and the time to file objections has expired.

A district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings de novo, Garvey v.

Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions de novo, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

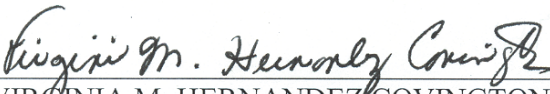
After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge and the recommendation of the magistrate judge.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

- (1) The report and recommendation (Doc. # 6) is **ACCEPTED and ADOPTED**.
- (2) Plaintiff's request to proceed in forma pauperis (Doc. # 2) is **DENIED**.
- (3) This case is hereby transferred to the Eastern District of Tennessee pursuant to 28 U.S.C. § 1404(a).
- (4) After transfer has been effected, the Clerk shall close this case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 19th
day of July 2010.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel and Parties of Record